

Exhibit E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANTOINE TAYLOR,

Plaintiff,

-against-

NASSAU COUNTY, THE NASSAU COUNTY POLICE
DEPARTMENT, NASSAU COUNTY POLICE COMMISSIONER
LAWRENCE MULVEY, FIRST DEPUTY COMMISSIONER ROBERT
MCGUIGAN, SECOND DEPUTY COMMISSIONER WILLIAM
FLANAGAN, ASSISTANT COMMISSIONER DAVID MACK,
ASSISTANT COMMISSIONER ROBERT CODIGNOTTO, CHIEF
OF THE DEPARTMENT STEVEN SKRYNECKI, CHIEF OF
PATROL JOHN HUNTER, JOHN DOES COMMISSIONERS AND
SUPERVISORS, POLICE OFFICER KEITH ROGICH AND JOHN
DOE POLICE OFFICER,

Defendants.

EXAMINATION BEFORE TRIAL of James
Cereghino, the witness herein, taken by the
Plaintiff, pursuant to Court Order, held at 1
West Street, Mineola, New York, on the 10th day
of January, 2012, commencing at 1:02 p.m., before
Howard I. Shapiro, a Certified Shorthand Reporter
and Notary Public, within and for the State of
New York.

H&B REPORTING CO. INC.
121 Radigan Avenue
Staten Island, New York 10309
(718) 948-5835

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A P P E A R A N C E S :

BADER, YAKAITIS & NONNENMACHER, LLP
Attorneys for Plaintiff
350 Fifth Avenue-suite 7210
New York, New York 10118

BY: ROBERT E. BURKE, ESQ.

NASSAU COUNTY
OFFICE OF THE COUNTY ATTORNEY
Attorneys for Defendants
One West Street
Mineola, New York 11501

BY: PETER LASERNA, ESQ.
(FILE #: 10X44061)

Also Present:

* * * *

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F E D E R A L S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED

5

By and between the counsel for the respective

6

Parties hereto, that the filing, sealing, and

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Certification of the within deposition shall

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Be and the same are hereby waived;

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IT IS FURTHER STIPULATED AND AGREED

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That all objections, except as to the form

12

Of the question, shall be reserved to the times

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Of the trial;

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IT IS FURTHER STIPULATED AND AGREED

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That the within deposition may be signed before

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Any notary public with the same force and

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Effect as if signed and sworn to before this

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court.

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1 Cereghino

2 James Cereghino,

3 called as a witness, having been first

4 duly sworn by the Notary Public

5 (Howard I. Shapiro, CSR), was examined

6 and testified as follows:

7 EXAMINATION BY

8 MR. BURKE:

9 Q Please state your name for the
10 record.

11 A James Cereghino.

12 Q Please state your address for
13 the record.

14 A Nassau County Police, Homicide
15 Squad, 1490 Franklin Avenue, Mineola, New
16 York 11501.

17 Q Good afternoon Detective.

18 A Good afternoon counsel.

19 Q My name is Robert Burke. I'm an
20 attorney. I work at a law firm called Bader
21 Yakaitis and Nonnenmacher, which is a law
22 firm that represents the Plaintiff Antoine
23 Taylor in the lawsuit that brings us here
24 today.

25 I have some questions for you.

1 Cereghino

2 Some of them may seem obvious to you but,
3 I'll ask that you let me finish the question
4 before you give the answer.

5 If you need to take a break for
6 any reason, we can take a break, I only ask
7 that you answer any outstanding question
8 before we take a break.

9 Are you presently currently
10 employed?

11 A Yes, sir.

12 Q Who do you work for?

13 A The Nassau County Police
14 Department.

15 Q What is your job title?

16 A I'm, my rank is Detective. I'm
17 an Investigator in the Homicide Squad.

18 Q When did you first begin working
19 for the Nassau County Police Department?

20 A February 23, 1977.

21 Q What job title did you have when
22 you began with the Nassau County Police
23 Department?

24 A Police officer.

25 Q Had you been a police officer

1 Cereghino

2 anywhere else before the Nassau County
3 Police Department?

4 A Yes, I was.

5 Q Where did you work?

6 A New Rochelle Police Department.

7 Q How long were you a police
8 officer in New Rochelle?

9 A A little over two years.

10 Q Did you work as a police officer
11 anywhere else besides this Nassau County
12 Police Department?

13 A No, sir.

14 Q At some point after being a
15 police officer with the Nassau County Police
16 Department, did you then become a sergeant?

17 A No, sir.

18 Q Did you go straight from being a
19 police officer to a detective?

20 A Yes, sir.

21 Q In what year did you become a
22 detective?

23 A 1987.

24 Q In order to go straight from a
25 police officer to a detective, did you have

Cereghino

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2 to take a test, or was it a promotion based
3 on merit or how did that come about?

4 A There were no written tests
5 involved, it was based upon your activity
6 and the recommendation of a supervisor.

7 Q Upon becoming a detective in
8 1987, did you go right to the Homicide Squad
9 or some other unit?

10 A I was assigned to the Fourth.
11 Squad in March of 1987. In November of 1987
12 I was promoted to detective. I worked in
13 the Fourth Squad until June of 1994, where I
14 then transferred to the Third Squad in
15 Wiliston Park, where I worked until January
16 1998, when I was then assigned to Homicide
17 Squad.

18 Q So, in other words you've been
19 part of Homicide Squad since 1998 to the
20 present time?

21 A Just a little less than
22 14 years, yes, sir.

23 Q Currently where are you based,
24 is that 1490 Franklin Avenue address or
25 somewhere else?

1 Cereghino

2 A Homicide Squad is in 1490
3 Franklin Avenue on the second floor.

4 Q Can you just describe your job
5 duties as a detective with the Homicide
6 Squad?

7 A We investigate murders,
8 suspicious deaths, suicides, industrial
9 accidents. We conduct investigations into
10 deaths.

11 Q At some point did you become
12 aware of the arrest of Antoine Taylor having
13 taken place on September 26, 2009 by the
14 Nassau County Police Department?

15 A Yes, sir.

16 Q Did you become aware of that
17 arrest the same day or some day afterwards
18 or something else?

19 A The same day, sir. I was in the
20 general area.

21 Q Is it your understanding that
22 Antoine Taylor was arrested in the Hempstead
23 area?

24 A Yes, sir.

25 MR. LASERNA: Objection. On

1 Cereghino

2 what date?

3 Q On September 26, 2009.

4 A Yes, sir.

5 Q On September 26, 2009, is it
6 your understanding that there was a shooting
7 involving the Nassau County Police
8 Department and Antoine Taylor prior to him
9 actually being put under arrest?

10 A Yes, sir.

11 Q Did you witness any of that
12 police shooting yourself?

13 A I was in the general area. I
14 heard the gunshots. When I, when I moved
15 towards the shooting area where I heard the
16 shots come from, I was then, there was a
17 police officer in the middle of the road.
18 He pointed behind me.

19 I looked behind me. I saw the
20 Mitsubishi Galant heading east on Graham,
21 followed by a Crown Vic, an unmarked Crown
22 Vic, Crown Victoria and an SUV in pursuit.

23 Q Let's say prior to September 26,
24 2009, had you ever met Antoine Taylor?

25 A No, sir.

1. Cereghino

2 Q On September 26, 2009, for what
3 reason were you yourself in the Hempstead
4 area in the vicinity of Antoine Taylor?

5 A I had received information from
6 a confidential informant while I was off
7 duty that Antoine Lamont Taylor was inside
8 the residence at 152 West Graham in
9 Hempstead.

10 Q Did you receive that information
11 from the confidential informant on
12 September 26, 2009, or prior thereto?

13 A The prior weekend the
14 confidential informant had notified the
15 Hempstead Police Department about it, about
16 Taylor frequenting 152 West Graham.

17 I received that information on
18 September 22nd. Part of the information was
19 that he came by there every Friday night.

20 On September 25th, along with
21 members of the Bureau of Special Operations,
22 we set up surveillance on the residence,
23 which we maintained from I believe roughly
24 7 P.M. until approximately 1 A.M.

25 When it did not appear that he

1 Cereghino

2 was going to, that we were going to find him
3 there, I broke it off, until I received a
4 phone call from the confidential informant.
5 the next day, I would approximate the phone
6 call around 3 o'clock.

7 Q Would that be three in the
8 afternoon?

9 A Yes, sir.

10 Q And that would be on September
11 26, 2009?

12 A Yes, sir.

13 Q For what reason or reasons did
14 the Nassau County Police Department want to
15 talk to Antoine Taylor?

16 A I was aware an open parole
17 warrant for Antoine Lamont Taylor, and an
18 active assault investigation out of the
19 Third Squad on one of his girlfriends Cheryl
20 Similien.

21 And I wanted an opportunity to
22 speak to him concerning the death of Ukegabi
23 Hoskins.

24 Q I'm sorry, I just didn't catch
25 the name of the girlfriend?

1 Cereghino

2 A Cheryl, C-H-E-R-Y-L. Similien,
3 S-I-M-I-L-I-E-N.

4 Q How is it that you became aware
5 of the open parole warrant?

6 A Ukegabi Hoskins died on August
7 14, 2009. He was shot to death at the
8 intersection of Washington Street and
9 Nichols Court in Hempstead.

10 Within a few days I was
11 receiving information from other
12 confidential informants that a subject by
13 the name if LG had done the shooting, and
14 that his true name was Antoine Taylor.

15 When I did background on Antoine
16 Taylor I became aware of the parole order.

17 Q For lack of a better term, were
18 you the lead Detective in investigating
19 Antoine Taylor, or did you report to another
20 Detective or something else?

21 MR. LASERNA: Objection.

22 A Without nitpicking, I was
23 investigating the death of Ukegabi Hoskins
24 and Antoine Lamont Taylor's name came up in
25 the investigation.

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Q So moving back to September 26, 2009, where were you physically located when you heard the sound of gunshots?

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A Just east of the residential area at 152 West Graham. There's an industrial area. I was in an unmarked minivan with Detective Pescitelli, P-E-S-C-I-T-E-L-L-I. Backed down the driveway between the buildings.

14

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17

I did not have vision of 152 West Graham. And no one at 152 West Graham would be able to see me.

18

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Q How long had you been at the location east of 152 West Graham in the industrial area before you heard the sound of gunshots?

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A I would say less than an hour.

Q As you sat there for less than an hour, did you have a police radio to listen to?

A Yes, sir.

Q As you sat there for less than an hour, were there other members of the Nassau County Police Department in the

Cereghino

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2 vicinity to keep an eye on 152 West Graham?

3

4 A There were members of the Bureau
5 of Special Operations who were in
6 plainclothes, with surveillance vehicles,
7 who had a better view of 152 West Graham.

8

9 Q As you sat there for less than
10 an hour, were you listening to any talk over
11 the police radio as to Antoine Taylor being
12 sighted or moving about the premises or
13 anything to that effect?

14

15 A It was confirmed that the
16 Mitsubishi Galant that we believed Antoine
17 Lamont Taylor was driving was parked behind
18 152 West Graham.

19

20 Q At anytime before you heard the
21 sound of gunshots, but while you were still
22 parked in the industrial area, did you
23 become aware of Antoine Taylor leaving 152
24 West Graham or the Mitsubishi Galant being
25 on the move?

26

27 A One of the BSO officers secreted
28 himself in an abandoned house, which was
29 where he had a vision of the rear of 152
30 West Graham.

Cereghino

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And he was able to advise us

3

when the car moved.

4

Q Would that be officer O'Connor?

5

A To be honest, I don't think so.

6

I don't recall who it was, but I don't think

7

it was officer O'Connor.

8

Q About how much time elapsed, if

9

you know, from when you heard that

10

transmission that the Galant moved, until

11

you heard the sound of gunshots?

12

A I suppose I shouldn't have said

13

I heard the radio transmission that the

14

Galant was moving, because I was on, at the

15

moment I was on the phone with the Detective

16

in our Central Detective Squad.

17

Another confidential informant

18

had called our crime stoppers advising that

19

Antoine Lamont Taylor was in the house.

20

He wasn't, the detective in

21

Central Detectives wasn't able to link the

22

call to me.

23

So I was asking him questions

24

through the Detective in Central Detectives.

25

I asked him what was he wearing? Was he

1 Cereghino

2 armed? Questions of that nature.

3 And while I was on the phone

4 with him, I heard the gunshots.

5 Q Do you recall how many gunshots
6 you heard?

7 A I recall three.

8 Q From where you were sitting in
9 the industrial area, could you tell the
10 general direction from which the gunshots
11 were heard?

12 A Yes, I would say they were to
13 the, I mean Graham runs a little funny.
14 They were to my left, to the west.

15 Q As you say Graham runs a little
16 funny. Does West Graham essentially run
17 east and west or perhaps a little bit
18 northeast and southwest?

19 A Generally east and west, yes,
20 sir.

21 Q Was there any intersecting
22 street in between where you were parked at
23 the industrial area and 152 West Graham, if
24 you know?

25 A There was a street on the north

Cereghino

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2 of Graham, Rose that ran not perpendicular,
3 that ran on an angle. And when I, if I may
4 continue, when I pulled out I was heading
5 towards the gunshots. I saw a BSO officer,
6 Officer Edward Alongi in the street pointing
7 behind me.

8 I then realized that the Galant
9 had gone down Rose so that I didn't see it
10 to Sycamore, came back to Graham. And when
11 I looked behind me I saw the Galant, I saw
12 the Ford Crown Victoria and I saw the SUV
13 with those two units in pursuit of the
14 Mitsubishi Galant.

15 At that time I turned my minivan
16 around and attempted to catch up to them.

17 Q So again some of this may seem
18 obvious to you but were you the driver of
19 the minivan or was the other detective the
20 driver?

21 A I was driving.

22 Q So did you leave your parked
23 area in the industrial area immediately upon
24 hearing gunshots?

25 A When I heard the gunshots, I

Cereghino

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2 dropped my phone, I put it in drive. I
3 pulled up. I started to make the left. I
4 saw Alongi directing me behind me.

5 I saw the Galant. I made the
6 U-turn and headed east on Graham.

7 Q When you first saw the Galant,
8 where was it exactly, was it on Rose, near
9 Sycamore?

10 A If it was on Rose my view would
11 have been blocked. He must have gone down
12 Rose, made the left on Sycamore, and bent
13 around onto Graham.

14 When I turned around I saw him
15 coming around off of Sycamore onto Graham.
16 Prior to that I didn't see him.

17 Q When you say when you turned
18 around, were you able to look through back
19 windows on the van, or like side view
20 mirror, or rear view mirror, can you
21 describe that?

22 A I believe I had started to make
23 the left so I was able to look over my
24 shoulder and look through the windows.

25 Q Did you then turn around and

Cereghino

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2 pursue the Galant right away or did you stay
3 in that vicinity for any period of time for
4 whatever reason?

5

6 A I put the pedal to the metal on
7 the minivan. They got ahead of me. I heard
8 a radio transmission that he was heading
9 towards the parkway. So I made the right.
10 And went down Baldwin Road, because I knew
11 that there was an entrance for the Southern
12 State Parkway there.

13 As I proceeded south on Baldwin
14 Road, when I came to Downs just off of Downs
15 Road on the southeast corner, I saw the
16 Mitsubishi Galant wrapped around a tree and
17 no occupants.

18 I then continued one block
19 further south and made the left. And
20 Detective Pescitelli and I went in there in
21 an attempt to box him in.

22 Q When you came across the Galant
23 wrapped around the tree with no occupants,
24 were there any other police vehicles that
25 were already stopped in that area before you
got there?

1. Cereghino

2. A No, sir.

3. Q When you first saw the Galant

4. wrapped around the tree with no occupants, did you

5. did you see Antoine Taylor someplace outside

6. the car?

7. A No, sir.

8. Q Just to back up. After you saw

9. the Galant wrapped around the tree with no

10. occupants, where did you drive exactly?

11. I'm not sure if I followed you.

12. A The tree is just passed Downs

13. Road on Baldwin Road. When I saw that I

14. just went one block further south. I

15. assumed there was a foot pursuit.

16. I went one block further south

17. hopefully to apprehend him or to cut him off

18. wherever he was, because I did hear on the

19. radio something about Downs Road.

20. So I made the assumption that

21. the BSO officers were on Downs. So I went

22. one block further south.

23. Q Upon going one block further

24. south, did you come to a stop?

25. A I made the left onto that

Cereghino

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street, I went about half way down. I
pulled the car over. Secured it.
Detective Pescitelli and I were
out on foot. As we were going into the
first backyard, we heard a radio
transmission that the subject had been
apprehended, and they were in the rear of 10
Downs Road.

Q Upon hearing that radio
transmission, did you then go over to 10
Downs Road?

A We made our way there, yes sir.

Q Upon arriving at 10 Downs Road,
did you go into the backyard?

A Yes, sir.

Q And upon going into the backyard
of 10 Downs Road, what did you observe?

A I saw a subject later who
identified himself as Antoine Lamont Taylor
lying on the ground, handcuffed behind his
back. His shirt was up. And I could see
that he suffered a gunshot wound to the I
believe to the right side of his abdomen.

Q Did you have any conversation

1 Cereghino

2 with Antoine Taylor?

3 A Yes, I did. I identified

4 myself. I told him that I was from the

5 Homicide Squad.

6 And he basically said, "it
7 wasn't my fault. It was Ukegabi's, it was
8 Pov's gun." And basically that he shot him.

9 At that time I gave him his
10 rights. When he acknowledged it by that
11 time the ambulance pulled up to the scene.
12 I backed off. So that they could be
13 attended to.

14 They ultimately put him in the
15 ambulance. I climbed into the back of the
16 ambulance to speak with him further.

17 I then asked him about the gun.
18 He told me that he couldn't breath, but he
19 would tell me where the gun was if I took
20 handcuffs off.

21 Q So if I could just back up and
22 go over some of that with you.

23 A Sure.

24 Q As you said in the beginning, it
25 wasn't his fault and then you said something

1 Cereghino

2 about Hoskins, are you referring to the
3 August 14, 2009, situation with Hoskins.

4 A I never identified to him what
5 it was I wanted to talk to him about. But
6 it was just that he said, "it wasn't my
7 fault. It was Pov's gun. We struggled over
8 it and I shot him."

9 Q And when you said that Taylor
10 said if you take the handcuffs off me I'll
11 tell you where the gun is, would that be
12 referring to quote unquote Pov's gun?

13 MR. LASERNA: Objection.

14 Q I'm just trying to follow the
15 story.

16 Which gun was he referring to if
17 you know?

18 A I believe that Mr. Taylor was
19 referring to the same gun throughout when he
20 said it was Pov's gun. And then I asked him
21 I want the gun, I'm assuming we're talking
22 about the gun that killed Mr. Hoskins.

23 Q While you are in the backyard
24 and Taylor was there, did you have any
25 conversations with Taylor about the police

1 Cereghino

2 shooting on that day September 26, 2009?

3 A No, sir. I may have told him
4 the ambulance is on the way, you know.
5 We'll get him to a hospital.

6 That's about it sir.

7 Q So in other words you didn't
8 have any conversation with him as to how he
9 drove his vehicle back on West Graham or how
10 it was that he had been shot?

11 A I never had an opportunity to
12 ask him those questions because the
13 ambulance was there and I backed off.

14 Q Was he apprehended in the
15 backyard of ten Downs Road by the Bureau of
16 Special Operations officers?

17 A Yes, sir.

18 Q Getting back to the open parole
19 warrant on Taylor before September 26, 2009,
20 did you actually see a copy of the warrant?

21 A Yes, sir I secured a copy of it.

22 Q Would that be at police
23 headquarters 1490 Franklin Avenue?

24 A Certified copy, yes, sir.

25 MR. LASERNA: Could we go off

1 Cereghino

2 the record for a second?

3 MR. BURKE: Sure.

4 (Whereupon, a discussion was
5 held off the record.)

6 Q Do you know if the Homicide
7 Squad investigated the police shooting on
8 September 26, 2009 involving Antoine Taylor?

9 A Yes. The Homicide Squad, I
10 missed that earlier. We also investigate
11 police shootings.

12 Q I was going to ask you that.
13 So, in other words there need not be a death
14 in order to be an investigation from
15 Homicide?

16 A Yes, sir.

17 Q So does Homicide investigate
18 anytime a police weapon is fired, is it just
19 anytime someone is hit in a shooting, or
20 something else, what are the guidelines?

21 A More often than not it's if
22 someone suffers an injury, if someone's hit.

23 And in this instance if I may
24 add, Detective Hactor, H-O-C-T-O-R, he
25 conducted the investigation into the

1 Cereghino

2 shooting.

3 MR. BURKE: Off the record.

4 (Whereupon, a discussion was
5 held off the record.)

6 Q Did you have any participation
7 into the homicide investigation of the
8 police shooting involving Antoine Taylor?

9 A I spoke to Detective Hactor
10 about it and I told him I did not witness
11 it. And then I just concentrated on the
12 homicide, my homicide investigation.

13 Q Did you have to fill out any
14 type of police report regarding the events
15 of September 26, 2009, with Antoine Taylor?

16 A No, sir.

17 Q As a detective, do you keep any
18 type of a memo book or written log of your
19 daily activities?

20 A No, but I do keep notes of, you
21 know, of the status of my investigation.

22 Q Do you know if you have any
23 notes from September 26, 2009, and the
24 events of that day?

25 A Aside from the oral admissions

1 Cereghino

2 he made in the backyard at 10 Downs? I made
3 notes of that.

4 Q Aside from that, do you have
5 anything else?

6 A Yes, I should have something in
7 my, I should have notes of that, yes, sir.

8 Q After Antoine Taylor was
9 attended to by the ambulance at the
10 backyard, did you leave to go back to
11 headquarters, or did you go with Taylor to
12 the hospital or something else?

13 A I jumped in the back of the
14 ambulance in an effort to continue to speak
15 to him. And I rode it obviously all the way
16 to NUMC.

17 But once we arrived there, he
18 was attended to and I didn't have another
19 opportunity to speak to him for another ten
20 days, or thereabouts.

21 Q As you took the ambulance ride
22 to NUMC, were you the only official in the
23 ambulance or were there other police
24 officers or officials with you?

25 A I believe I was the only police

1 Cereghino

2 officer in the ambulance, but there were
3 two, there were two AMT's in there.

4 Q Upon arriving at NUMC, did you
5 stay with Taylor for any period of time, or
6 did you leave the hospital or something
7 else?

8 A When it became apparent that I
9 was not going to have an opportunity to
10 speak to him I left.

11 Q From there did you go back to
12 police headquarters, or back to the scene
13 where this all happened, or something else?

14 A I believe I responded back to
15 Baldwin Road, ended up speaking to one of
16 Antoine's, one of Antoine's girlfriends that
17 lived right there on Baldwin Road.

18 Q Do you know her name?

19 A Yes, I do and I can't think of
20 it. Along with that, because she gave us a
21 consent search of the Mitsubishi Galant.

22 She also is the one that took us
23 to the gun. And I'm -- give me time, maybe
24 it will come to me.

25 Q Let me just ask you this. When

1 Cereghino

2 you mentioned Cheryl Semolian --

3 A Similien.

4 Q -- Similien, and then this other
5 girlfriend, I think you used the term
6 girlfriends, do you know how many
7 girlfriends Taylor had around that time
8 period?

9 A Multiple in addition to his wife
10 Latoya.

11 Q When the second girlfriend
12 whatever her name is gave consent to search
13 the vehicle, was it still light outside or
14 was it dark?

15 A Oh, it was dark by then.

16 Q Do you know who owned the
17 vehicle?

18 A I believe the girlfriend did.
19 She lived right there at 407 Baldwin Road.

20 Q Did you or someone else conduct
21 the search of the vehicle?

22 A I don't believe I did. Someone
23 else did. With negative results.

24 Q When you say negative results,
25 you mean nothing was found of any interest?

1 Cereghino

2 A No gun, no bullets.

3 Q Do you know if any other
4 searches were performed by the police in the
5 vicinity of Baldwin and Downs or back on
6 West Graham where this all started?

7 A I believe in the general area of
8 10, the rear of 10 Downs Road and the path
9 that he took after exiting the vehicle, a
10 search was done for any weapons that he may
11 have dropped with negative results.

12 Q Did you have any other types of
13 conversations with the second girlfriend
14 other than her consent to search the Galant?

15 A Yes, we interviewed her that
16 night upstairs in her apartment at 407
17 Baldwin Road, as to the, as to what happened
18 around the date of my murder.

19 Q That would be Hoskins?

20 A Ukegabi Hoskins, on August 14th.

21 Q Was there any conversation with
22 her about what had taken place on
23 September 26, 2009, you know starting out at
24 152 West Graham and ending up on the corner
25 by the tree?

1 Cereghino

2 A When I spoke to her then I don't
3 think she had any knowledge of it other than
4 her car was now maybe two doors from where
5 she lived, you know, having come into the
6 accident with the tree?

7 Q Do you know if the car was
8 impounded by the police department?

9 A Yes, it was.

10 Q Did you take any pictures on
11 September 26, 2009, of the car or anything
12 else involving this Taylor matter that day?

13 A I believe crime scene would have
14 taken pictures, yes sir.

15 Q Before today's deposition, did
16 you review any pictures regarding this
17 Taylor matter?

18 A No, sir. Other than my
19 paperwork I just saw a picture of him, of
20 Antoine.

21 Q Before today's deposition, did
22 you review any paperwork regarding Taylor on
23 September 26, 2009?

24 A Just brief notes that I had
25 taken that day, but mostly what I reviewed

1 Cereghino

2 concerning my murder and the investigation
3 leading up to his arrest.

4 Q When you say brief notes, you
5 mean just your personal handwritten notes,
6 or something else?

7 A Exactly. I would just stated
8 arrested, you know, as an example the night
9 before put 52 West Graham under surveillance
10 for such a period of time to 1 A.M. with
11 negative results.

12 The next day Antoine Lamont
13 Taylor arrested.

14 Q What is the purpose of the
15 Police Department Homicide Squad
16 investigating a police shooting such as this
17 where nobody got killed?

18 A I believe, I don't know what the
19 exact rules and regulations say, but I
20 believe to see that the proper guidelines
21 were used and that was a proper shooting.

22 Q Do you know the result of this
23 investigation regarding whether or not it
24 was a proper shooting and whether the proper
25 guidelines were used as you say?

Cereghino

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A I work in the same office as Detective Hocter, and I don't believe I ever asked him.

Q Do you know the name of the police officer that was involved in the shooting with Antoine Taylor that day?

A The one who fired the shots?

Q Yes.

A Into the car?

Q Yes.

A Officer Rogich.

Q On September 26, 2009, or up until the present time, have you had any conversation with Police Officer Rogich about the events of that day?

A Yes, sir.

Q Was that on the same day September 26, 2009, or some other day?

A I spoke to him that day. And I may have spoken to him as it wound it's way through the criminal justice system, whether it was at the grand jury or a hearing.

Q When you spoke to him that day, I don't expect you to remember word for word

Cereghino

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2 but can you just tell me basically what was
3 said between yourself and Officer Rogich?

4 A As I recall I asked him what
5 happened. And he told me that he came
6 flying out of the driveway. He drove at
7 him. He felt he couldn't get out of the
8 way. And he fired several rounds.

9 Q Do you remember where you were
10 located when you had that conversation with
11 Officer Rogich?

12 A Might have been back at my
13 office. I'm not certain.

14 Q Do you know if that was face to
15 face or over the phone?

16 A No. No. It would have been
17 face to face.

18 Q Besides being on the Homicide
19 Squad, are you part of any other squad or
20 team or bureau such as the shooting team?

21 A No.

22 Q Do you know if the shooting team
23 would have investigated this matter?

24 A I certainly think they would
25 have, yes sir.

Cereghino

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Q Did the shooting team question
you about this matter?

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A I don't believe so.

Q When you arrested Taylor in the
backyard, did you tell him for what reason
he was under arrest?

A Technically I didn't arrest him.
When I got there he was already in handcuffs
lying on the ground.

When I went up to him and I told
him who I was, and I told him I was from the
Homicide Squad. That's when without
anything further, he said "it wasn't my
fault. It was Pov's gun." I believe "we
struggled over it and I shot him."

Q Did you say earlier that you
told him he was under arrest or am I wrong,
I could be mistaken?

A I didn't -- when I got there he
was lying on the ground in cuffs, in pain.

Q Do you know what crime or crimes
he was charged with on September 26, 2009,
or thereafter upon being apprehended and
arrested?

1 Cereghino

2 A Well, there was a parole
3 warrant, I believe there was a Hempstead
4 warrant. I believe attempted murder of a
5 police officer. And the murder that I was
6 investigating, the murder of Ukegabi
7 Hoskins.

8 And if there are other charges
9 those are the main ones I remember.

10 Q Do you know what the Hempstead
11 warrant was for?

12 A I don't recall. I believe it
13 was a violation, something minor.

14 Q Does Hempstead have its own
15 police department?

16 A Yes, sir.

17 Q On September 26, 2009 as you
18 were in the backyard, were you in
19 plainclothes or some type of police uniform
20 or something else?

21 A I was in plainclothes.

22 Q Were the officers from the
23 Bureau of Special Operations who had
24 arrested Taylor in plainclothes as well?

25 A Yes, sir.

1 Cereghino

2 Q While you were in the backyard,
3 were there any uniformed police officers
4 present?

5 A I believe some members of the
6 Hempstead Police Department responded, after
7 the fact, uniformed members of the Hempstead
8 Police Department.

9 Q Do you know if the Hempstead
10 Police Department has its own Homicide Squad
11 or does the Nassau County Police Department
12 take care of such investigations in
13 Hempstead?

14 A By the state charter, villages
15 can't investigate felonies. They can do
16 misdemeanors but they can't investigate
17 felonies.

18 So even incorporated villages
19 such as the Hempstead Police Department that
20 have their own police, they contract with
21 the Nassau County Police Department to do
22 their investigations.

23 Q At some point after September 26
24 of 2009, did you have to go to court to
25 testify regarding Antoine Taylor?

Cereghino

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A Yes, I believe I testified in the grand jury and at the beginning of the hearings.

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Q Do you know approximately what date or month and year you testified at the grand jury?

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A I'll be honest with you, I don't recall that. I do recall that he did plead guilty before the hearings were over.

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So it would have been right around when he pled guilty for the hearings. The grand jury I don't recall.

14

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Q When you testified at the hearings, in which court was that located?

16

A County court.

17

Q Did you testify in open court?

18

19

A Yes, in front of Judge George Peck, P-E-C-K.

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Q Was Taylor present when you testified in front of Judge Peck?

22

A I believe he was, yes sir.

23

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Q Did you give any testimony in front of Judge Peck as to whether or not police officers had their shields displayed

1 Cereghino

2 on September 26, 2009, regarding this Taylor
3 matter?

4 A I did not give any testimony
5 regarding that, no sir.

6 Q Was the testimony that you gave
7 before Judge Peck primarily regarding the
8 Hoskins matter?

9 A Yes, sir.

10 Q Now on September 26 of '09 or
11 sometime thereafter, did you actually go to
12 152 West Graham to talk with anybody at that
13 location?

14 A Yes, I did.

15 Q Do you know when that took
16 place, was it one time or more than one
17 time?

18 A We went there once. There was
19 no answer at the door. I went there another
20 time to find out if anybody had any
21 information or if Antoine made any
22 post-admissions concerning the death of
23 Ukegabi Hoskins.

24 And the second time I believe I
25 spoke to the wife of Antoine's brother that

1 Cereghino

2 lived there. I don't recall her name. But
3 she provided no information that aided the
4 investigation.

5 If I may, the girlfriend
6 Christine, Pezzuto, P-E-Z-Z-U-T-O. She
7 lives at 407 Baldwin Road. She was the
8 renter of the car that Antoine Lamont Taylor
9 was driving the night Hoskins died.

10 Q Would that be a different car
11 than the Galant?

12 A Yes, it was a Dodge Magnum. No,
13 Dodge something.

14 Q Can you just give a brief
15 physical description of Christine Pezzuto,
16 is she an African-American lady, or a
17 Caucasian lady, or something else?

18 A She's a Caucasian lady, 5'4",
19 thin build, sometimes blond hair.

20 Q I think earlier you mentioned
21 after you got to the hospital with Taylor,
22 there came a point in time where you were
23 unable to see him for another ten days; is
24 that correct?

25 A Well, he was under arrest and he

1 Cereghino

2 was under police guard while he was under
3 arrest. I left word with whoever was
4 guarding him if he regained consciousness
5 that I wanted to talk to him.

6 I don't remember the exact day.
7 It was eight to 10 days later. I received
8 the word. I responded over there.

9 I spoke to the attending doctor,
10 if I could speak to him. I went in. I
11 advised him of his rights. Notification of
12 rights department form 233.

13 I read him his rights. He
14 agreed to give me a statement, which I
15 reduced to writing. He read it. He signed
16 it.

17 At that point I asked him I
18 wanted the gun but he was hesitant to do so.
19 He wanted to give it to me but he didn't
20 want, he didn't want to jamb up Pezzuto.

21 But ultimately he did tell me.
22 He didn't give me her name. He gave me the
23 phone number. I recognized it as hers.

24 I took out my cell phone. I
25 called her. I put it to his head. He said

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"give it to them."

I told Christine I'll be there
in five minutes.

I went there, picked her up with
Detective Nigro, N-I-G-R-O, from my office.

She took us to the nearby
cemetery, to a particular grave. And there
was a potted plant on the grave. And the
nine millimeter handgun was in the plotted
plant on the bottom of the pot.

There was grout that had been
put in there, obviously it rained or got
wet. The grout was hard as a rock, but you
could you see the outline of the clip.

And when I had crime scene
respond, I had them use the metal detector
to tell me that it was there, and we
recovered the gun.

Q All that conversation at the
hospital in recovering the gun, that related
back to the Hoskins matter, correct?

A Yes, sir absolutely.

Q When you saw him at the hospital
eight to 10 days after September 26th of

Cereghino

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2 '09, did you have any conversation with
3 Taylor about the police shooting of
4 September 26 of '09?

5 A Only to ask him how he was
6 feeling. That was it.

7 Q After that date eight to 10 days
8 after this incident, have you had any
9 further conversations with Taylor?

10 A Beginning of November I had to
11 pull him out of the jail to properly process
12 him. And just nothing, nothing pertaining
13 to any case.

14 Q So at that time did you have any
15 conversation with Taylor concerning what
16 took place on September 26, 2009?

17 A No. He already had been
18 arraigned. His rights to a counsel was
19 attached. I did not ask him any questions
20 in that regard.

21 Q I don't mean to infer that you
22 would do anything improper, just maybe he
23 said something to you.

24 A I understand. No problem. No
25 problem.

1 Cereghino

2 Q Since that time in November when
3 you had to take him out, have you seen him
4 since or was that he last time?

5 A Just during the hearings. I saw
6 him at the hearings until the hearing's
7 concluded.

8 MR. BURKE: Okay, thank you. I
9 have no further questions.

10 MR. LASERNA: I have some
11 questions.

12 EXAMINATION BY

13 MR. LASERNA:

14 Q There was, you brought the, you
15 said that you brought the BSO officers to
16 the area of 152 West Graham Avenue in
17 Hempstead on two occasions, September 25th
18 and September 26th of 2009?

19 A Yes, sir.

20 Q Do you remember debriefing the
21 BSO officers on why you were bringing them
22 there?

23 A Yes.

24 Q Can you just tell us essentially
25 what you debriefed them on or what you told

Cereghino

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2 them?

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4 A I advised them that there were
5 two warrants for his arrest, one being a
6 parole warrant. And where members of the
7 parole were concerned because threats had
8 been made by Mr. Taylor against a particular
9 parole officer, Richard Frassa, F-R-A-S-S-A,
10 along with the Active Assault Investigation
11 Third Squad, and the fact that he was a
12 person of interest in my homicide
13 investigation from August 14th.

14 I had confidential informants
15 telling me, and I had hearsay that Antoine
16 Lamont Taylor was the person who had killed
17 Ukegabi Hoskins, and I wanted an opportunity
18 to speak to him.

19 Q Do you have any of the details
20 regarding the assault that you just
21 mentioned?

22 A The assault on Cheryl Similien?
23 Or the, Ukegabi Hoskins?

24 Q The other assault that you were
25 not investigating but which you were aware
26 of, and which you said that you debriefed

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BSO officers.

A Right. The assault with Cheryl Similien was a domestic incident, where I believe he had banged her around, I don't believe any weapons were involved.

But I also made sure to tell them that my case was a shooting. And that Mr. Taylor, there was a strong likelihood that he might be armed, because of threats made against parole officer Frassa.

Q Did you, do you know what the parole warrant, the open parole warrant was about?

A I believe he was absconding, failure to appear.

Q Getting back to that incident of September 26, 2009 which you were discussing with Mr. Burke; you told him earlier that the first time you saw Mr. Taylor driving was when he was, when he had come back onto West Graham Avenue off of Sycamore, was it?

A Yes, sir.

Q And that he was being followed by the Crown Victoria and an SUV all of

1 Cereghino

2 which were unmarked police cars, correct?

3 A Yes, but they both had lights
4 and sirens activated and working.

5 Q What kind of lights?

6 A I believe dashboard.

7 Q But they were lights that would
8 indicate that they were police officers?

9 A Yes, sir.

10 Q You testified you discussed
11 earlier that officer Alongi was the officer
12 who pointed you in the direction, correct?

13 A The opposite direction in which
14 I wanted to go, yes, sir.

15 Q Was he near a police car?

16 A He was in the middle of the
17 street. I don't recall, I don't recall him
18 being near a police car.

19 Q You discussed earlier testifying
20 at the grand jury and at hearings, do you
21 recall ever saying that Officer Rogich was
22 not, did not have his police badge displayed
23 on September 26, 2009?

24 A No, sir. I never said that.

25 MR. LASERNA: That's all I have.

1 Cereghino

2 THE WITNESS: Thank you
3 counselor.

4 (Whereupon, the deposition of
5 James Cereghino was concluded at
6 2:03 p.m.)

7

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11 _____
James Cereghino

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13 Subscribed and sworn to
14 before me this _____ day
15 of _____, 2012.

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NOTARY PUBLIC

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1 Cereghino

2 I N D E X

3 WITNESS EXAMINATION BY PAGE

4 James Cereghino Mr. Burke 4

5 Mr. Laserna 44

6

7 PLAINTIFF'S EXHIBITS

8 None

9 DEFENDANTS' EXHIBITS

10 None

11

12 DOCUMENTS/INFORMATION REQUESTED

13 Page

14 None

15 INFORMATION TO BE INSERTED

16 Page

17 None

18 QUESTIONS MARKED FOR A RULING

19 Page

20 None

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Cereghino

C E R T I F I C A T E

I, HOWARD I. SHAPIRO, a Certified
Shorthand Reporter and Notary Public within
and for the State of New York, do hereby
certify:

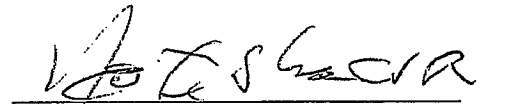
That James Cereghino, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me and that such
deposition is a true record of the testimony
given by the witness.

That the within is a true and
accurate transcript of the proceedings taken
by me this 10th day of January, 2012.

I further certify that I am not
related to any of the parties to this action
by blood or marriage and I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 10th day of January, 2012.




HOWARD I. SHAPIRO, CSR

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